

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<p>In re Application of</p> <p>Robert F. Kelley et al.</p> <p>Serial No.: 10/519,647</p> <p>Filed: December 22, 2004</p> <p>For: Apo-2 LIGAND/TRAIL VARIANTS AND USES THEREOF</p>	<p>Group Art Unit: to be assigned</p> <p>Examiner: to be assigned</p> <p>CONFIRMATION NO:</p> <p><b>CUSTOMER NO: 09157</b></p>
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**DECLARATION OF MONA BELTRAN**

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, MONA BELTRAN, do declare and state as follows:

1. I am a patent assistant in the Legal Department at Genentech, Inc.
2. On August 2, 2005, I sent Ms. Stephanie Ho Lindstrom a package containing the following: (a) a letter signed by me; (b) a Combined Declaration for Patent Application and Power of Attorney with a tab indicating the line where Ms. Lindstrom was to sign; and (c) an Assignment, also with a tab indicating the line on which to sign. The package was sent via Federal Express (Priority Overnight). I prepared the Federal Express label myself, inserted the above-identified documents into the envelope, sealed the envelope and left it to be picked up by Federal Express in our building.
3. On August 11, 2005, the above-identified documents were returned to me by Federal Express for "incorrect address".
4. On August 11, 2005, I attempted to call the phone number we have listed for Stephanie Ho Lindstrom and the number was disconnected.
5. On August 11, 2005, I checked with Chris Sato in our Legal-Corporate Securities Administration department to check for a current address for Stephanie Ho Lindstrom. Their records have the same incorrect address.
6. On August 11, 2005, I attempted to check with Bob Kelley, her previous supervisor, if he had a

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current address or phone number for Stephanie Ho Lindstrom.

7. On August 14, 2005, Bob Kelly responded that he did not have a current phone number or current address for Stephanie Ho Lindstrom.
8. On August 14, 2005, I attempted to search the internet for a listing for Stephanie Ho Lindstrom and could not locate a listing for her.
8. I hereby declare that all statements made in this Declaration, of my own knowledge, are true and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application and patent issuing thereon, or any patent to which this verified statement is directed.

Date: \_\_\_\_\_

1.4.06

Respectfully submitted,

GENENTECH, INC.

By: \_\_\_\_\_

Mona Beltran

Telephone No. (650) 225-6383

## ASSIGNMENT

WHEREAS, Robert F. Kelley, a citizen of United States of America, residing at 1029 San Felipe Avenue, San Bruno, CA 94066, and Sarah Hymowitz, a citizen of United States of America, residing at 1050 Francisco Street, San Francisco, CA 94109, and Stephanie Ho Lindstrom, a citizen of United States of America, residing at 20 Queen Ann Court, Millbrae, CA 94030, (hereinafter "ASSIGNORS"), have invented a new and useful invention in

### Apo-2 LIGAND/TRAIL VARIANTS AND USES THEREOF

for which an application Serial No. 10/519,647 (Docket No. P1966R1) for Letters Patent has been filed by them on December 22, 2004; and

WHEREAS, GENENTECH, INC., a corporation organized and existing under and by virtue of the laws of the State of Delaware, having a place of business at 1 DNA Way, South San Francisco, California 94080-4990, is desirous of acquiring an interest in and to said invention, and in and to the Letters Patents to be obtained therefor;

NOW, THEREFORE, be it known by all whom it may concern;

That for good and valuable consideration the receipt of which is hereby acknowledged, the said ASSIGNORS have and do hereby sell, assign, transfer and set over unto the said GENENTECH, INC., its successors and assigns, the full and exclusive right, title and interest including all rights under the Paris Convention for the Protection of Industrial Property, in and to said invention, and in and to any and all Letters Patents to be granted and issued therefor or any continuation, division, renewal, or substitute thereof, and as to Letters Patents any reissue or re-examination thereof, not only for, to, and in the United States of America, its territories and possessions, but for, to and in all other countries; and it has been and is hereby authorized and requested that the appropriate government agencies issue said Letters Patents to said GENENTECH, INC., in accordance with this Assignment.

Said ASSIGNORS covenant and agree to cooperate with GENENTECH, INC., to enable said GENENTECH, INC. to enjoy to the fullest extent the right, title and interest herein conveyed in the United States and foreign countries. Such cooperation by said ASSIGNORS includes prompt production of pertinent facts and documents, giving of testimony, execution of petitions, oaths, specifications, declarations or other papers, and other assistance all to the extent deemed necessary or desirable by said GENENTECH, INC., (a) for perfecting the right, title and interest herein conveyed; (b) for prosecuting any of said applications; (c) for filing and prosecuting applications for reissuance of any of said patents; (d) for interference or other priority proceedings involving said invention; and (e) for legal proceedings involving said invention and any applications therefor and any patents granted thereon, including without limitation opposition proceedings, cancellation proceedings, priority contests, public use proceedings, infringement actions and court actions; provided, however, that the expense incurred by said ASSIGNORS in providing such cooperation shall be paid for by said GENENTECH, INC.

The terms and covenants of this assignment shall inure to the benefit of said GENENTECH, INC., its successors, assigns and other legal representatives, and shall be binding upon said ASSIGNORS, their respective heirs, legal representatives and assigns.

Said ASSIGNORS hereby warrant and represent that they have not entered and will not enter into any assignment, contract, or understanding in conflict herewith.

IN WITNESS WHEREOF we undersign as follows;

South San Francisco, CA

\_\_\_\_\_  
Robert F. Kelley

Dated: \_\_\_\_\_

South San Francisco, CA

\_\_\_\_\_  
Sarah Hymowitz

Dated: \_\_\_\_\_

Millbrae, CA

\_\_\_\_\_  
Stephanie Ho Lindstrom

Dated: \_\_\_\_\_

## COMBINED DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office and citizenship are as stated below next to my name,

I believe I am the original and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

### Apo-2 LIGAND/TRAIL VARIANTS AND USES THEREOF

the specification of which (check only one item below):

- ☐ is attached hereto.
- ☐ was filed as United States application Serial No. \_\_\_\_\_ on \_\_\_\_\_  
and was amended on \_\_\_\_\_ (if applicable.).
- ☒ was filed as PCT international application Number PCT/US2003/019750 on June 23, 2003  
(Now USSN 10/519,647)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate or of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, any foreign application(s) for patent or inventor's certificate or of any PCT international application having a filing date before that of the application(s) on which priority is claimed.

### PRIOR FOREIGN/PCT APPLICATION(S) AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. 119(a)-(d):

COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 35 USC 119
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I hereby claim benefit under 35 U.S.C. 119(e) of any United States Provisional Application(s) listed below:

Application No.(s)	Filing Date
60/391, 050	June 24, 2002

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s) of any PCT international application(s) designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application(s) and the national or PCT international filing date of this application:

**COMBINED DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY**  
**(Continued)**

PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT  
UNDER 35 U.S.C. 120:

U.S. APPLICATIONS		STATUS (check one)		
U.S. Application Number	U.S. Filing Date	Patented	Pending	Abandoned

PCT APPLICATIONS DESIGNATING THE U.S.

PCT Application No.	PCT Filing Date	U.S. Serial Numbers			

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint all Attorney(s) and/or Agent(s) associated with the following Patent Office  
Issued Customer Number to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

**CUSTOMER NO: 09157**  
PATENT TRADEMARK OFFICE

Send correspondence to Genentech, Inc.  
Attn: Diane L. Marschang  
Telephone: 650-225-5416

I hereby declare that all statements made herein of my own knowledge and belief are believed to be true; and further that these  
statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment  
or both, under Section 1001 of Title 18 of the United States Code and that willful false statements may jeopardize the validity of the  
application or any patent issue thereon.

The undersigned hereby authorizes the U.S. attorney or agent named herein at accept and follow instructions  
from his foreign patent agent as to any action to be taken in the Patent and Trademark Office regarding this  
application without direct communication between the U.S. attorney or agent and the undersigned. In the event  
of a change in the persons from whom instructions may be taken, the U.S. attorney or agent named herein will  
be so notified by the undersigned.

Full name of sole or first inventor  
Robert F. Kelley

Inventor's signature

Date

Residence  
1029 San Felipe Avenue, San Bruno, California 94066 US

Citizenship  
United States of America

Post Office Address  
1029 San Felipe Avenue, San Bruno, California 94066 US

Full name of second or joint inventor, if any  
Sarah Hymowitz

Second Inventor's signature

Date

Residence  
1050 Francisco St., San Francisco, California 94109 US

Citizenship  
US

Post Office Address  
1050 Francisco St., San Francisco, California 94109 US

**COMBINED DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY**  
**(Continued)**

Full name of third or joint inventor, if any  
Stephanie Ho Lindstrom

Third Inventor's signature

Date

Residence  
20 Queen Anne Court, Millbrae, California 94030

Citizenship  
US

Post Office Address  
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